



Docket No.: 063288-0656

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Bradford D. Henry, et al.	:	Confirmation Number: 4669
Application No.: 10/823,787	:	Group Art Unit: 3721
Filed: April 14, 2004	:	Allowed: April 21, 2008
	:	Examiner: Tawfik, Sameh
For: METHOD AND DEVICE FOR CONTROLLING ENVELOPE FLAP DURING INSERTION	:	

**COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the April 21, 2008 Notice of Allowability regarding the above-identified application. Although Applicants agree that the claims are patentable over the art, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the reasoning set forth in the Statement, particularly to the extent that the wording used in the Statement differs from the actual claim language and from the otherwise proper interpretation of the claim language.

The Statement asserts that the art does not disclose features of the independent claims, and in so doing, the Statement somewhat paraphrases the two independent claims. However, the

language of the Statement does not exactly track the claim recitations. For example, in each description of an independent claim, the Statement refers to bending the envelope “about an axis that is perpendicular to” the joint between the flap and the conveyed envelope. However, the actual language of each independent claim recites that the bending is “about an axis that is substantially perpendicular to” the joint. The patentable language of the allowed claims is already of record in the case and is adequately clear. As shown by the example regarding bending about an axis, there are discrepancies between the paraphrasing in the Statement and the actual claim language. The example above is not intended as an exhaustive list of such differences. Paraphrasing of substantial portions of the claim language in the Statement adds nothing substantive to the record and should not create any narrowing interpretation or estoppel with regard to any of the allowed claims, particularly to the extent that the Statement differs from the actual recitations in the claims and/or from the proper interpretation of the claims in light of the claim language, the specification and Applicants’ prosecution of the claims to allowance.

Furthermore, Applicants’ positions on patentability are already on the record. In view of the prosecution record, further comment on patentability should not be necessary.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants’ prosecution of the claims, without reference to the Statement of Reasons for Allowance.

10/823,787

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Keith E. George".

Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KEG:MWE
Facsimile: 202.756.8087
Date: May 5, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**